

Appln. No. 10/527,858

Amdt. dated 04/07/06

Reply to Office Action of 01/27/06

REMARKS

Applicant has disclosed an improvement for a firearm of the type having a slide that moves between forward and rear positions in the frame of the firearm, and which is removable from the frame. The improvement comprises a slide plate, which is held in place by the moving slide, but which is easily removable after the slide is removed. The hammer trigger mechanism is accessible through a side opening in the frame that is covered by the side plate.

Rejection under 35 USC §112

Claims 1-5 were rejected under 35 USC §112 second paragraph as indefinite. The single independent claim 1 has been amended to delete "of the type" and to substitute "comprising" for "being characterized by" in the preamble. The preamble is intended to recite a known prior art construction. Claim 1 has also been amended to specify "said forward and said rearward" positions. Claim 4 has been amended to provide antecedent basis for "said side plate bottom edge".

The claims have been carefully reviewed and further amended to provide antecedent basis for other places not pointed out by the Examiner, specifically "said frame top planar edge" in claim 1, and "said side opening" in claim 2.

Rejection under 35 USC §102

Claims 1-5 have been rejected under 35 USC §102 as anticipated by Stokke ('959). Applicant admits that Stokke shows items (a) through (f) since these are part of the prior art as recited in the preamble. However, Stokke does not show a side plate having a top planar surface disposed to be held in place by a slide bottom planar surface. A careful reading of page 2, lines 76-104 shows that Stokke's side plate 51 is held in position between opposed grooves in the upper surface of rear wall 28 and in the lower surface of end block 30. Since the sides of breach block 53 slide on the outside of end block 30 (Fig. 3) and since the side plate top planar surface is in a groove in the lower surface of end block 30, it is not possible for block 53 to hold the side plate in place. There is no cooperative relation between Stokke's breach block 53 (slide) and top planar surface of side plate 51.

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Claim 1 has been amended to further distinguish the invention over Stokke by reciting that the side plate is arranged to be movable in the side opening upwardly toward the slide. This is not the case with Stokke where the side plate is held down by end block 30 against upward movement. Since claim 1 is distinguished over Stokke, dependent claims 2-5 are likewise so distinguished.

Claims 1 and 5 were rejected under 35 USC §102(b) as anticipated by Smith ('646). Applicant admits that Smith shows items (a) – (f) since these are part of the prior art as recited in the preamble. However, Smith does not show a side plate having a top planar surface disposed to be held in place by a slide bottom planar surface. The slide 50 is guided by groove 8c in the side of the side plate 8. Furthermore, the side plate is secured by screws to the frame and cannot move unless the screws are removed. The side plate retains and guides the slide rather than vice-versa. Claim 1 clearly distinguishes over Smith. Claim 5 is dependent on claim 1 and likewise distinguishes.

Claims 1 and 5 were rejected under 35 USC §102(b) as anticipated by Cupp ('237). Applicant admits that Cupp shows items (a) through (f) since these are part of the prior art as recited in the preamble. However, Cupp does not show a side plate having a top planar surface disposed to be held in place by a slide bottom planar surface. The slide does not hold the side plates 26 in place. Portions 36 on the side plates project into openings 22 in the side walls of the frame. See Col. 3, lines 7-39. The Examiner's references to the top planar surfaces of side plates 26 in Fig. 5 is meaningless unless these have some cooperative relation with the slide, as recited. Side plates 26 are secured by screws 29 passing through them and the grip unit 27 (see Fig. 4), and are not held by the slide. Claim 1 is clearly distinguished from Cupp. Dependent claim 5 is likewise distinguished.

The applicant has described an improved construction, enabling the user to simply remove the slide and then using a fingernail or coin in the cutout 48 in the bottom of the side plate, to slide it upwardly and off to expose the hammer trigger mechanism. The cited art fails to suggest this solution and the amended claims 1-5 clearly distinguish over the cited art.

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Reconsideration is respectfully requested, and it is asked that the case be passed to issue.

Applicant believes no fees are due with the filing of this Response; however, if it is determined that fees are required, please charge our Deposit Account No. 13-0235.

Respectfully submitted,

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